

REMARKS

Claims 7-13 remain in this application. Claims 1-6 were previously canceled. Reconsideration of the application is requested.

The comments provided by the Examiner in section 5 on page 3 of the Office Action are acknowledged with appreciation. Claim 8 is rewritten above in the manner referred to and should now be allowable.

Independent claim 7 is rejected under 35 U.S.C. § 102(b), along with dependent claims 9-10 and 13, as anticipated by U.S. Patent 5,522,367 to Reuschenbach et al. Claim 7 is also rejected under 35 U.S.C. § 102(b), along with dependent claims 9-13, as anticipated by U.S. Patent 5,995,895 to Watt et al. Reconsideration is requested.

Claim 7 is amended above to particularly define certain acts or operations performed during the method of internal combustion engine operation specified. It is respectfully submitted that the Reuschenbach et al. method does not include the "estimating," "setting," and "eliminating or setting" acts or operations now required by claim 7, and does not serve to estimate an amount of intake air throttling as a function of the expected load demand so that an exhaust gas temperature can rise in a low-load mode and in a traction mode as claim 7 now defines. The Watt et al. harvesting vehicle control method, similarly, does not include the acts or operations noted, and also does not serve to estimate an amount of intake air throttling as a function of the expected load demand so that an exhaust gas temperature can rise in a low-load mode and in a traction mode as claim 7 now defines. Reconsideration and withdrawal of the rejections of

claim 7 based on the Reuschenbach et al. patent and the Watt et al. patent are in order and are requested. Claims 9-13 depend, either directly or indirectly, on claim 7, and the rejections of claims 9-13 should be withdrawn as well.

It is also to be noted that the Reuschenbach et al. patent disclosure concerns operation of a spark-ignition engine (column 3, lines 28-31), while the present invention concerns operation of a compression-ignition (diesel) engine as discussed in substitute specification paragraph 0033. This difference is significant, since load adjustment and load prediction are involved, a spark-ignition engine is operated based on "quantity" control, and a diesel engine is operated based on "quality" control. In the Reuschenbach et al. engine control, engine load is determined by intake air mass, which is in an essentially fixed relation to the fuel mass. Diesel engine load, by contrast, is determined by injected fuel mass only, and is independent of intake air mass. The load of a diesel engine, therefore, is essentially independent of the amount of intake air throttling, and the underlying interrelationships in and problems of a diesel engine differ completely from those of a spark-ignition engine. The Reuschenbach et al. patent is concerned with engine load control and air mass prediction, which is decisive for the load. The present invention, by contrast, concerns prediction or estimation of the load, and corresponding adjustment of intake air mass by throttling. In the present invention, moreover, control of the exhaust gas system temperature is of significant concern, whereas exhaust gas temperature plays no role in the Reuschenbach et al. engine control.

It is respectfully submitted that all of the claims in this application are allowable in their present forms for reasons discussed. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57424US).

Respectfully submitted,

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